



RE: Wells v. City of Memphis - Pl.'s Supp. Rule 37 Letter to City

From Silk, Jennie <jsilk@bakerdonelson.com>

Date Fri 12/6/2024 11:06 AM

To Joshua Levin <JLevin@rblaw.net>

Cc Antonio Romanucci <aromanucci@rblaw.net>; Sarah Raisch <sraisch@rblaw.net>; Stephen Weil <SWeil@rblaw.net>; McMullen, Bruce <bmc当地mullen@bakerdonelson.com>; Foster, Freeman <ffoster@bakerdonelson.com>; McKinney, Kelsey <kmckinney@bakerdonelson.com>; Reagan, Ian <ireagan@bakerdonelson.com>; Butler, Briana <bbutler@bakerdonelson.com>; Dana Kondos <DKondos@rblaw.net>; Colton Johnson Taylor <cjohnson@rblaw.net>

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Hi all,

We have discussed the items in yesterday's meet and confer internally. Below are our responses and positions to all items discussed.

- RFP Nos. 1, 4, 5, 9, 15, 22-24, 26-28, 51, 54, 55-72, 74, 75-93, 94, 95-98, 99, 100-101, 104, 107-109, 114-115: We will provide supplemental responses for the above. We will provide a date certain for that supplementation by the end of next week.
- Production Inventory/Privilege Log: We will produce an updated inventory.
- RFP Nos. 1 & 14, ROG No. 10: We will provide the chart along with our forthcoming supplementation of written discovery. We will provide a date certain for that supplementation by the end of next week.
- RFP No. 29: We will make the MPD phone issued to DeWayne Smith available for inspection. To the extent that MPD is in the possession, custody, or control of a phone issued to Chief Davis, the City will not agree to generate a forensic image any such phone. The vast majority of the contents of Chief Davis's phone have no relevance to this action. Further, the City will not agree to generate a forensic image of Chief Davis' personal cell phone for the same reasons. The City reiterates its position that it does not have any phones issued to Defendants Martin, Haley, Mills, Bean, Hemphill, or Justin Smith in its possession, custody, or control. It is the City's understanding that the phones were taken by TBI in connection with its criminal investigation. The City reiterates its position that it does not have any phones issued to Defendants Long, Sandridge, or Whitaker in its possession, custody, or control.
- RFP Nos. 58 & 62-63: We will provide supplemental responses to all written discovery to further clarify our position. We will provide a date certain for that supplementation by the end of next week.
- RFP No. 70: We re-produced these, as reflected in an email from Kelsey McKinney on April 24, 2024.

- RFP Nos 71-72 & 81-86: We will produce data to the extent available, as explained in an email from Jennie Silk on November 25, 2024.
- RFP Nos. 91-93, & 95: We will provide supplemental responses to all written discovery. We will provide a date certain for that supplementation by the end of next week.
- RFP No. 110: The City's position on this RFP is subsumed by our response to RFP No. 87-90 as stated in our October 31, 2024 letter regarding the burdensomeness of the ISB case file copying.
- RFP No. 119: The City maintains its objection. That said, based on the pattern of conduct among the parties thus far in the case, and for the benefit of all counsel, the City has agreed to produce potential exhibits the evening before each deposition.
- SCORPION SOP: We have produced all responsive documents. The City has satisfied its discovery obligation as to this request.
- RFP No. 96: The City reiterates its position as explained in its October 31 letter to Plaintiff.
- RFP No. 73: The City reiterates its position as explained in its October 31 letter to Plaintiff.
- RFP Nos. 87-90: The City reiterates its position as explained in its October 31 letter to Plaintiff.

Thanks,

Jennie Vee Silk

Phone 901.577.8212

From: Joshua Levin <JLevin@rblaw.net>
Sent: Tuesday, November 26, 2024 10:01 AM
To: Silk, Jennie <jsilk@bakerdonelson.com>
Cc: Antonio Romanucci <aromanucci@rblaw.net>; Sarah Raisch <sraisch@rblaw.net>; Stephen Weil <SWeil@rblaw.net>; McMullen, Bruce <bmcullen@bakerdonelson.com>; Foster, Freeman <ffoster@bakerdonelson.com>; McKinney, Kelsey <kmckinney@bakerdonelson.com>; Reagan, Ian <ireagan@bakerdonelson.com>; Butler, Briana <bbutler@bakerdonelson.com>; Dana Kondos <DKondos@rblaw.net>; Colton Johnson Taylor <cjohnson@rblaw.net>
Subject: RE: Wells v. City of Memphis - Pl.'s Supp. Rule 37 Letter to City

Hi Jennie,

December 5 at 2pm – 4pm CST works for the meet and confer. We will respond separately regarding the traffic stop data and SCORPION SOP.

Below is a Teams link we can use for our December 5 meeting:

Join the meeting now

Meeting ID: 294 511 630 776

Passcode: 8Jv3ch2j

Thanks,
Josh

From: Silk, Jennie <jsilk@bakerdonelson.com>
Sent: Monday, November 25, 2024 5:25 PM
To: Joshua Levin <JLevin@rblaw.net>
Cc: Antonio Romanucci <aromanucci@rblaw.net>; Sarah Raisch <sraisch@rblaw.net>; Stephen Weil

<SWeil@rblaw.net>; McMullen, Bruce <bmcmullen@bakerdonelson.com>; Foster, Freeman <ffoster@bakerdonelson.com>; McKinney, Kelsey <kmckinney@bakerdonelson.com>; Reagan, Ian <ireagan@bakerdonelson.com>; Butler, Briana <bbutler@bakerdonelson.com>

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Hi Josh,

We are available for a meet and confer on December 5 at 2:00 pm CST. Please let us know if that works for you.

Regarding the data you requested on vehicular traffic stops in RFPs 81-86, we will produce that data to the extent it is available. For example, we can produce data on subsection a (i.), (ii.), (iii.), (iv.), (v.), (vi.), but we cannot produce (vii.) because that data is not collected.

As to subsection b, we can produce as follows: (i.)(partially, we can tell if someone was cited for reckless driving, but not if they were pulled over reckless driving), (ii.)(yes, if there was a citation issued for reckless driving); (iii.), (v.); (vi.); (vii.); and (ix.). We cannot generate (iv.) or (viii.) because that data is not collected.

We will endeavor to produce this data in the next couple of weeks.

Regarding the SCORPION SOP, we have searched the network drive and found no other versions of the document other than what was produced previously. The metadata for document COM_0054600 shows that Author as "Information Systems" and it was last modified by Lt. Franke Bradley. The metadata for document COM_0057787 shows that the Author is "Information Systems" and it was modified by Major Willie Mathena. The document COM_00574705 shows that Author is Lt. Israel Taylor and it was last modified by Lt. Israel Taylor. We have also produced the emails forwarding the document, and the emails speak for themselves.

Jennie Vee Silk

Phone 901.577.8212

From: Joshua Levin <JLevin@rblaw.net>
Sent: Monday, November 25, 2024 11:02 AM
To: Silk, Jennie <jsilk@bakerdonelson.com>; McMullen, Bruce <bmcmullen@bakerdonelson.com>; Foster, Freeman <ffoster@bakerdonelson.com>; McKinney, Kelsey <kmckinney@bakerdonelson.com>; Reagan, Ian <ireagan@bakerdonelson.com>
Cc: Antonio Romanucci <aromanucci@rblaw.net>; Sarah Raisch <sraisch@rblaw.net>; Stephen Weil <SWeil@rblaw.net>
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Hi Jennie,

I am following up again about dates that would work for you for our Rule 37 conference during the week of 12/2. You asked that we defer our conference to

that week, we agreed and proposed specific dates (see below), you agreed on 11/20 to get back to us with dates, and we've been waiting to hear from you since.

If we do not receive dates from you by COB today, we will presume the City is declining to meet and confer.

I'd also remind you of our outstanding request (see below) for the City's written responses on a number of issues in our November 11 and November 13 letters.

Thanks,
Josh

From: Joshua Levin
Sent: Tuesday, November 19, 2024 1:16 PM
To: Silk, Jennie <jsilk@bakerdonelson.com>; McMullen, Bruce <bmcmullen@bakerdonelson.com>; Foster, Freeman <ffoster@bakerdonelson.com>; McKinney, Kelsey <kmckinney@bakerdonelson.com>; Reagan, Ian <ireagan@bakerdonelson.com>
Cc: Antonio Romanucci <aromanucci@rblaw.net>; Sarah Raisch <sraisch@rblaw.net>; Stephen Weil <SWeil@rblaw.net>
Subject: RE: Wells v. City of Memphis - Pl.'s Supp. Rule 37 Letter to City

Hi Jennie,

We would prefer to meet sooner but agree with ensuring that the conference is productive. We are available the week of December 2 except for 3-4pm on 12/2 and 11-12pm on 12/4. Please let us know what date/time would work for you. Given the amount we have to discuss, please reserve two hours in case we need it. Please be prepared to discuss the issues in both our November 11 and November 13 letters.

As a reminder, our letters asked for the City's responses in writing on a number of issues. We asked that you respond to most of the items by November 25, with earlier responses requested for the two longstanding open items—the SCORPION SOP issues and the traffic stop data fields.

Thank you,
Josh

From: Silk, Jennie <jsilk@bakerdonelson.com>
Sent: Monday, November 18, 2024 7:05 PM
To: Stephen Weil <SWeil@rblaw.net>; Joshua Levin <jLevin@rblaw.net>; McMullen, Bruce <bmcmullen@bakerdonelson.com>; Foster, Freeman <ffoster@bakerdonelson.com>; McKinney, Kelsey <kmckinney@bakerdonelson.com>; Reagan, Ian <ireagan@bakerdonelson.com>
Cc: Antonio Romanucci <aromanucci@rblaw.net>; Sarah Raisch <sraisch@rblaw.net>
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Hi Steve,

Thanks for the reminder. I am booked in depositions this week, much like we all were last week. Can we meet and confer after Thanksgiving? I think it will be more productive than trying to rush something this week. Please let me know your thoughts.

Thanks,

Jennie Vee Silk

Phone 901.577.8212

From: Stephen Weil <SWeil@rblaw.net>
Sent: Monday, November 18, 2024 5:52 PM
To: Joshua Levin <JLevin@rblaw.net>; Silk, Jennie <jsilk@bakerdonelson.com>; McMullen, Bruce <bmcullen@bakerdonelson.com>; Foster, Freeman <ffoster@bakerdonelson.com>; McKinney, Kelsey <kmckinney@bakerdonelson.com>; Reagan, Ian <ireagan@bakerdonelson.com>
Cc: Antonio Romanucci <aromanucci@rblaw.net>; Sarah Raisch <sraisch@rblaw.net>
Subject: Re: Wells v. City of Memphis - Pl.'s Supp. Rule 37 Letter to City

Counsel,

We still have not heard from you regarding our request for a Rule 37 conference.

We are reiterating our request for a conference. Josh's letter proposes multiple dates and times. If you have other dates and times that would work better for you, we invite you to propose them.

If we do not hear from you by COB tomorrow we are going to proceed on the assumption that you are declining to meet and confer.

Thanks and best regards,

- Steve

From: Stephen Weil
Sent: Friday, November 15, 2024 5:46 PM
To: Joshua Levin <JLevin@rblaw.net>; Silk, Jennie <jsilk@bakerdonelson.com>; Bruce Anthony McMullen Esq. <bmcullen@bakerdonelson.com>; Foster, Freeman <ffoster@bakerdonelson.com>; McKinney, Kelsey <kmckinney@bakerdonelson.com>; Reagan, Ian <ireagan@bakerdonelson.com>
Cc: Antonio Romanucci <aromanucci@rblaw.net>; Sarah Raisch <sraisch@rblaw.net>
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Counsel,

In the letter Josh sent Wednesday we ask for a Rule 37 conference next week (the week of Nov. 18) and identify several times that we are available.

I do not believe we have received a response from you.

Do any of the times listed in Josh's letter work for you? Are there any others that would work?

We are currently holding those times open and would appreciate the courtesy of a response.

Thanks and best regards,

Steve

From: Joshua Levin

Sent: Wednesday, November 13, 2024 3:25 PM

To: Silk, Jennie <jsilk@bakerdonelson.com>; Bruce Anthony McMullen Esq. <bmcullen@bakerdonelson.com>; Foster, Freeman <ffoster@bakerdonelson.com>; McKinney, Kelsey <kmckinney@bakerdonelson.com>; Reagan, Ian <jreagan@bakerdonelson.com>

Cc: Antonio Romanucci <aromanucci@rblaw.net>; Sarah Raisch <sraisch@rblaw.net>; Stephen Weil <SWeil@rblaw.net>

Subject: Wells v. City of Memphis - Pl.'s Supp. Rule 37 Letter to City

Counsel: Please see the attached correspondence.

Thanks,
Josh

Joshua M. Levin
Senior Attorney
Romanucci & Blandin, LLC
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Chicago, Illinois 60654
Direct Phone #: 312-253-8623
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